(7) Shri N. Dennis
(8) Shri H. A. Dora
(9) Shri Bimalkanti Ghosh
(10) Shri H.N. Nanje Gowda
(11) Shri Jitendra Singh
(12) Shri Abdul Rashid Kabuli
(13) Shri P. Kolandaivelu
(14) Shri K. Kunjambu
(15) Shri Narsinh Makwana
(16) Shri Nityananda Mishra
(17) Shri Satyagopal Misra
(18) Shri Shantaram Naik
(19) Shri P. Namgyal
(20) Shri H.M. Patel
(21) Shri Balasaheb Pawar
(22) Shri B. B. Ramaiah
(23) Dr. Sudhir Roy
(24) Shri P.M. Sayeed
(25) Shri P. Shanmugam
(26) Shri D. B. Shigda
(27) Shri Satyendra Narayan Sinha
(28) Smt. Usha Verma
(29) Shri Girdhari Lal Vyas
(30) Shri Rajesh Pilot"

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 12th May, 1988, agreed without any amendment to the Companies (Amendment) Bill, 1988, which was passed by Rajya Sabha at its sitting held on the 27th April 1988."

"I am directed to inform you that the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Amendment Bill, 1987, which was passed by Rajya Sabha at its sitting held on the 1st December, 1987, has been passed by Lok Sabha at its sitting held on the 12th May 1988, with the following amendments:—

Enacting Formula

1. Page 1, line 1,

for "Thirty-eighth" *substitute* "Thirty-ninth"

Clause 1

2. Page 1, line 4,—

for "1987" substitute "1988"

2. I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 121 of the Rules of Procedure and Conduct of Business in Lok Sabha with the request that the concurrence of Rajya Sabha in the said amendment be communicated to Lok Sabha."

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1988

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI JAGDISH TYTLER): Madam, I beg to move:

"That the Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the Indian Penal code, as passed by the Lok Sabha, be taken into consideration." As the Hon'ble Members will be aware, the E.P.F. and Miscellaneous Provisions Act, 1952 provides for the institution of compulsory Provident Fund, Family Pension and Deposit Linked Insurance Fund for the benefit of employees in factories and other establishments. These schemes constitute the main source of security of income to the workers in their old age and to their families and dependents in the event of their untimely death. Our Provident Fund Scheme is one of the largest scheme in the world in terms of coverage and benefits provided. It covers most of the industrial and other establishments em-

ploying 20 or more persons. As on 30-9-1987, the total number of establishments covered was about 1.70 lakhs, while the number of subscribers was 14.1 millions.

In the field of social security, the main endeavour of the Government has been to extend the coverage, improve the benefits and to provide prompt service to the subscribers. In furtherance of these objectives, the Government had set up a high-level committee in April, 1980 to review the working of the Employees' Provident Fund Organisation with special, reference to the problem of mounting arrears of provident fund contribution. This Committee was also required to go into the adequacies of the existing penal provisions and to suggest amendments where necessary. The Committee in its report to the Government made a number of recommendations involving amendment of the Act. The Central Board of Trustees, EP Fund had also from time to time, made certain recommendations for amendment of Act. These recommendations have been considered and it is now proposed to carry out disable amendments in the EPF Act.

The most important amendment from the workers' point of view relates to enhancement of the rate of provident fund contribution. At present, section 6 of the Act provides for payment of contribution at the rate of 6-1/4 per cent of basic wages and DA. However, there is an enabling provision for raising the rate of contribution to 8 per cent. Under this provision, the rate of contribution in respect of 132 industries/classes of establishments employing 50 or more, persons has already been enhanced to 8 per cent. In terms of subscribers, these establishments account for about 68 per cent of the total subscribers of the fund. The remaining 32 per cent subscribers are paying contribution at the rate of 6-1/4 per cent. There has been a demand from the Trade Unions for suitable enhancement in the rate of contribution. The matter was considered by Standing Labour Committee, which is a tripartite body, at its meeting held in September, 1986 and they had unanimously recommended enhancement of the rate of contribution from 6-1/4 per cent to 8-1/3 per cent and the other limit from 2 to 10 per cent. It is accordingly proposed to make a suitable provision for enhancement of the rate of contribution.

Another major area of concern has been the mounting arrears of provident fund contribution. Contribution have to be collected from a large number of employers and some of these default in payment of EPF collection or their own share. The Government has been rather concerned about the defaults in payments of contribution, which though small in relation to the total quantum of funds handled, is large enough in absolute terms to cause anxiety. Sometimes, the default may occur for economic reasons. But all defaults cannot be ascribed to such reasons and in some cases wilful defaults cannot be ruled out. Besides, whatever be the cause, the default in payment of contribution by an employer affects the workers, in as much as when the time comes for payment of an advance to a worker or for refund of his balance, and the money is not there, the worker is deprived of the protection of future security when his need is most. As on 30-9-1987, the total amount of arrears of EPF dues (including the dues in respect of exempted establishments) amounted to about Rs. 185 crores. The EPF authorities have been taking all possible legal and penal action for realisation of arrears but still the arrears have been gradually mounting. In order to check this trend, it is proposed to:

(i) set up an independent recovery machinery on the lines of the recovery machinery of the Income tax Department, for recovery of arrears of provident fund dues;

[Shri Jagdish Tytler]

(ii) make a suitable provision in the Act for making all the provisions, now applicable to unexempted establishment, applicable to exempted establishments in cases of default on their part. (at present exempted establishments have large arrears which are difficult to recover); and

(iii) make the various penal provisions in the Act more stringent.

There is at present no specific provision in the EPF Act for filing appeals against the orders of the EPF authorities in the matter of applicability of the Act, assessment of dues and levy of damages. The employers, therefore, generally take the matter to the Court and the cases drag on for years. It is, therefore, now proposed to make a specific provision in the Act for setting up one or more Tribunals to hear appeals against the orders of the PF authorities. The filing of appeals with the Tribunal will be subject to deposit of 75 per cent of the amount claimed by the Provident Fund authorities. No appeal, will, however, lie against the orders of the Tribunal.

Another important aspect of the administration of the Provident Fund Scheme relates to autonomy of the EPF Organisation, which is by and large self-financing. The Members of the Central Board of Trustees, EPF, particularly the representatives of employers and employees have been pleading for greater autonomy and freedom of action to the Board. Considering the number of persons who are contributing to the scheme and the vast amount of funds handled, a certain measure of Government control seems to be unavoidable. Rigid Government control of the Organisation, while safeguarding the interest of the workers and their funds, may curb initiative and affect service. It is, therefore, necessary to arrive at a balance between the demands of security and service. The Government has considered this aspect carefully and it is now proposed to confer enhanced powers to the Board in the matter of creation of posts, appointment of officers and staff, application of the Government rules relating to pay and allowances and other conditions of service to their officers and staff. It is also proposed to increase the number of representatives of employers and employees on the Board 6 each to 10 each, so as to give them greater representation.

The EPF Review Committee had recommended *inter-alia* that establishments employing more than 100 persons may be allowed to maintain the provident fund account at establishments level, so as to provide prompt service to the subscribers. They had also recommended that the departmental undertakings under Central/State Governments, whose employees are already entitled to the benefit of contributory provident fund or pension under the rules/regulations governing them may be excluded from the purview of the Act. The idea was to enable the EPF Organisation to concentrate on coverage of establishments, whose employees are not entitled to provident fund or pension under any other law or schemes. It is proposed to make suitable provision in the Act for implementing these recommendations.

These are in short some of the more important amendments proposed. I hope the Members will welcome the proposed amendments. With these words, I commend the Bill for consideration of the House.

The question was proposed.

SHRI SUNIL BASU RAY (West Bengal): Madam Deputy Chairman, the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1988 has come before the House after a long period of waiting. The original Act was last amended in 1976.

The Comptroller and Auditor General of India in his 110th report made certain observations which the PAC of the Lok Sabha had considered and they made their recommendations. It was again reconsidered by the Ramanujam Committee. The Indian Labour Conference had also discussed it. The present amendment Bill is mainly based on these recommendations. The Bill brought earlier was rejected by 8 Central Trade Unions. So it was withdrawn in 1987. The Bill has again been brought here but there are certain snags in the Bill which should be opposed by everybody. I think that the Minister would consider our views and modify those issues. The Bill has raised the rate of contribution to 8.33 per cent from 6.25 per cent and to 10 per cent from 8.33 per cent wherever applicable and we support it. The Central Board of Trustees (CBT) has been expanded. Employees' and Employers' representatives would be now at 10 each instead of 6 each. There should be no discrimination in nomination of two representatives. At present I know that CITU is not represented in many Central Bodies, for example, ESI, Provident Fund and other bodies. Even if you see the Labour Department has opposed the membership of CITU and it is not shown. There is a discrimination against CITU and I demand that this discrimination should be removed. CITU and other Trade Unions also should be given proper representation in this body.

1 P.M.

There are other amendments which give more powers to the Central Board of Trustees for recovery of outstanding dues and to hear appeals against the Central Board of Trustees' decisions Existing penal provisions have been made more stringent Arrears of PF have been made first charge on the assets of a company under liquidation. But the number of sick and closed industries is increasing. This is also haunting the minds of the workers as well as the trade unions that if in this way the number of sick, closed industries and the companies under liquidation continues to grow, then this amendment will not serve the workers because in all the companies whenever such a situation prevails, the workers lose their provident fund dues; their provident fund contributions are not given to them. ... (*Interruption*) ...

THE DEPUTY CHAIRMAN: Now it is one O'clock.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Madam, we can complete the Bill within 30 minutes and discussion on the working of the Ministry of Human Resource Development may be taken up so that it would be helpful to take up the Ministry of Human Resource Development after 5 O'clock.

THE DEPUTY CHAIRMAN: If the House agrees, it does not matter.

SHRI SUNIL BASU RAY: I may be allowed to finish, Madam. The exempted units will be covered by the legal and penal provisions but there are snags. First, the present amendment Bill has proposed to exempt more units. For example, clause 21(d) which amends Section 16 of the Act (page 17 of the Bill). (*Interruptions*) ...

THE DEPUTY CHAIRMAN: The House will sit for half an hour more and complete it.

SHRI SUNIL BASU RAY: Secondly, the proposed section 16A *vide* clause 22 (page 17 of the Bill) authorises the units employing 100 or more to maintain provident fund accounts. It would exclude not less than 50 per cent of the industries and establishments. That is my feeling because the exact figures are not available in the Labour Ministry's Performance Report book. This invites serious questions: (a) The workers will authorise the employers to maintain PF accounts on which they will have no control; (b) The proviso to 16A (1) debars past defaulters but is silent about the prospective defaul-

[Shri Sunil Basu Ray]

ters; (e) The units shall have scope to indulge in fradulent activities; (d) There would be serious impact on the PF organisations' staff pattern. It would create surplus. What compels the Government to propose such an amendment?

Thirdly, in spite of the fact that certain amendments have been proposed to deal with the evaders and defaulters, they are not sufficient. As we see, on 31st March 1980, total arrears of dues was Rs. 5742.32 lakhs and 90,000 or more were unexempted units and 3085 exempted units defaulted. Total arrears due as on 31-3-87 was Rs. 17047 lakhs. 1122 exempted units have not invested in PF Securities. They did not deposit, so, the amount is growing. The defaulters are growing in number. There was no check to stop this process, to halt this downward journey.

Fourthly, the new section 16A will lead to more defaults, more harassment for the workers. In case of exempted units workers' opinion will not be solicited. Payment of non-refundable advances would be further difficult. In cases of settlement/transfer of Accounts, the TU activists are liable to be harassed. Payments out of special reserve fund and death relief fund in such cases, would become difficult. Imprest Account lying with the exempted units —who will audit? However, a belief in the private sector is growing on. The Review Committee's opinion is in favour of the exempted units, who, according to them, have fared well. So, there is a motivated compaign going on to deprive the workers of the Social Benefit Scheme organisations and placing them in the private sector. The process is on. Example is coal. We do not support this. We support the proposal to increase the rate of interest. The mode of calculation should, however, be improved. All deposits should be charged interest with effect from the date of deposit.

(The Vice-Chairman (Shri Satya Prakash Malaviya) in the Chair.]

The rate should be higher than 11.5 which is the estimate for 1987-88, according to the Labour Department's performance book for 1987-88. It should not be less than 12 per cent. We agree that decentralisation is necessary. Accordingly I suggest that more power should be vested in the State Boards. State Governments should see to it that the Boards are run efficiently and properly and effectively administered. Workers' participation in management should be guaranteed. Both at the Board and at the Executive Committee levels, workers' representation should be more than the employer's and the Government's taken together and they should be vested with real authority. Defaults should not be allowed to accumulate. Only workers' participation would assure payment and elimination of defaults. All units should be brought under non-exempted category.

Sir, this is the situation which we want to correct. I think the hon. Minister is desirous of correcting the situation. But the way he has taken, will not lead to genuine correction. It will lead to genuine correction. It will lead us to further complication and will strengthen the hands of the employer. I definitely object to the amended clause 16A which the Minister has inserted in the main Act and I want that workers' participation should be assured and guaranteed. Their numerical strength should also be higher than that of the management and the Government because it is the workers who are suffering; neither the Government nor the management. It is the workers who are losing. It is the workers who are facing a serious situation when their factories are closed, when their establishments are closed. Closure and sickness prevent them from having the benefit of the provident fund scheme. A definite right should be

given to associate the workers and to hand over the administration of the provident fund organization in the hands of the workers' representatives so that they can run it well. I also object to handling over to those establishments with 100 or more workers to run the account of administration of the provident fund.

With these words, I conclude, Sir. I have supported whatever is supportable and I have opposed the basic issues which are objectionable and which are to be opposed. Taking these views into consideration, the hon. Minister should take a different view of this Bill and amend it further. That is my submission.

Thank you.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Dr. Bapu Kaldate.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): One minute. I suggest that we can pass the resolution without discussion to save the time of the House so that we can take up, at 5 O'clock, the discussion on the working of the Ministry. After this we may take up the resolution.

डा० बापू कालदाते (महाराष्ट्र): उपसभाध्यक्ष महोदय, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध संशोधन में विधेयक, 1988 के संदर्भ में मैं अपना विचार व्यक्त करना चाहता हूं। एक बात हमें पहले ध्यान में रखनी चाहिए कि हमारे महाराष्ट्र में इसको सिर्फ भविष्य निधि नहीं कहते हैं, बल्कि इसको भविष्य निर्वाह निधि कहते हैं। मैं समझता हूं कि यह ज्यादा अच्छा शब्द है क्योंकि एक मजदूर सारी जिन्दगी मेहनत करके जो कुछ बचाता है या उसको कानून के जरिए बचाने की जो सहुलियत मिली हुई है वह उसके भविष्य के लिए होती है, जब वह बूढ़ा हो जाता है, काम नहीं कर सकता है तो वह इस पैसे को अपना निर्वाह करने के लिए इस्तेमाल कर सकता है। इसलिए यह मजदूरों के हित का सवाल है। जहां तक मेरी जानकारी है, मजदूर प्रोविडेंट फण्ड में अपने वेतन को अंश धन के रूप में रखता है, उसमें मालिकों और सरकार को भी कुछ मदद करनी चाहिए क्योंकि यह धन देश की विकास की प्रक्रिया में काम में लिया जा सकता है। आप जानते हैं कि यह धन सरकार के हाथ में रहता है। हमारे देश में विकास की जो प्रक्रिया चल रही है उस प्रक्रिया में यह धन मजदूर हम लोगों की मदद के लिए भी देता है। इसलिए एक तरफ मजदूरों के भविष्य निर्वहन का सवाल है और दूसरी तरफ देश के अंदर धन का भी सवाल है। इसलिए मैं इसको केवल मजदूरों के हित का सवाल नहीं समझता हूं। मैं यह भी मानता हूं कि देश हित के लिये अगर इस नीति का आप प्रयोग करें तो इससे देश को भी बड़ा फायदा हो सकता है इस दृष्टि से अगर इसको देखा जाय तो जो कुछ मंत्री महोदय ने कहा है, जो भावनायें उन्होंने इस विधेयक को यहां पेश करते समय कही हैं तो उन भावनाओं के संदर्भ में इसका विरोध होने की कोई संभावना नहीं है और न हम इसका विरोध कर सकते हैं। महोदय, हम यह भी मानते हैं कि जो एक नया संशोधन आप इसमें लाये हैं, इसमें से कई संशोधन ऐसे हैं जो इसकी प्रक्रिया को ज्यादा सशक्त बनाने के लिये, इस प्रक्रिया के लिये ज्यादा धन जुटाने और कर्मचारियों का भविष्य और अच्छा बनाने का प्रयास इस विधेयक से जरूर किया गया है यह बात मैं पहले कहना चाहता हूं। इसलिए पूरे ढंग से विरोध का सवाल पैदा ही नहीं होता। यही बात है जो भी कमेटियां 1952 से लेकर चलती रही, कई कमेटियां बनी और उसके बाद यह संशोधन विधेयक लाया गया है तो भी मुझे लगता है कि कुछ चीजों की तरफ आज भी ध्यान देने की आवश्यकता है। जहां तक लोक सभा का सवाल है, मैंने वहां की डिबेट पढ़ी है और उसको देखने से पता लगता है कि आप भले ही कई और ज्यादा इंडस्ट्रीज, उद्योगों को इसके अन्दर लाने का प्रयास कर रहे हैं लेकिन आप यह भी जानते है कि अभी तक 150 करोड़ से ज्यादा बकाया आपने वसूल नहीं किया है एरियर। इतना एरियर, मुझे ऐसा लगता है, जैसे ही वह ज्यादा बढ़ता जायेगा, इसका इस पर असर पड़ेगा। इसमें आपने कोई गारंटी नहीं लगा रखी है जिससे यह कहा जा

[डा० बापू कालदाते]

सके कि एरियर कम हो जायेंगे । आज 150 करोड़ रुपये का एरियर है । आप अन्य उद्योगों को भी इसमें सम्मिलित कर रहे हैं यह बहुत अच्छी बात है । आपने यह भी कहा कि 20 मजदूर जहां होंगे वहां यह लागू हो जायेगा । लेकिन एक बात आपसे कहना चाहूंगा कि कभी-कभी जो उद्योग वाले लोग हैं वे 20 रखेंगे लेकिन अगर उसके बाद वह 18, 17 या 15 मजदूर वह रखें तो क्या होगा ? पहले समय जिसने 20 लगाये हैं और बाद में वह 20 ही लगाता है तो ठीक है नहीं तो इसका संभावना है कि वे 20 से कम करके जो आपकी अदायगी है, जो उन्होंने अंशदान करना है वह खुद उसमें शामिल न होकर उससे भाग जाने का प्रयास करेंगे । दूसरी बात हमारी समझ में नहीं आ रही है कि आपने इसमें से सार्वजनिक उद्योग की प्रक्रियाओं को क्यों निकाल दिया । जो पब्लिक अंडरटेकिंग्स हैं, क्योंकि आपने अब सवा छः से सवा आठ और दस प्रतिशत तक बढ़ा दिया है तो अगर इसमें पब्लिक अंडरटेकिंग्स भी आते तो वहां के मजदूरों के लिए भी अच्छा होता और देश के लिए जो धन का संचय चाहिए उसके लिए भी अच्छा होता ।

महोदय, मैं दो बातों की तरफ आखिर में ध्यान दिलाना चाहता हूं । इसमें कई बातें और उनमें एक बात यह है कि जो प्राविडेन्ट फंड कमिश्नर का दफ्तर है, क्योंकि हम जानते हैं कि मजदूरों की बहुत शिकायतें हैं, छोटे-छोटे कामों के लिए, स्लिप भरने की बात हो, फार्म लेने की बात हो, उसको मंजूर करने की बात हो इन सब बातों के लिए वहां लोगों के साथ बहुत घपला होता है । जिसको तुरन्त पैसा मिलना चाहिए, उसको मिलता नहीं है । हमको जानकारी है कि यहां तक होता है कि मरने तक भी कुछ लोगों को उनका पैसा नहीं मिला क्यों कि वहां पर इस तरह की बातें चलती हैं । इसके लिए मैं एक सुझाव देना चाहता हूं अगर हो सके तो सरकार इस पर जरूर अमल करे । जैसे किसानों के पास किताब होती है जिसमें कर्ज नोट होते हैं, कम से कम महाराष्ट्र में ऐसा है कि कितना पैसा जमा हुआ, कोआपरेटिव का, सरकार से लोन कितना लिया यह सब उसमें दर्ज रहता है । वह उसको लेकर बैंक में जाता है और बैंक उस किताब को देखकर उसकी जो राशि होती है वह उसको देता है । क्या यह संभव नहीं है ? सरकार यहां भी ऐसी पास बुकों की योजना करे जिसमें लिखित रूप से उसकी भविष्य निधि का क्या अंशदान है, वह कितना हो गया है वह उस किताब में हो और जब वह रिटायर हो तो उस किताब को दिखाने के तुरन्त बाद उसका सारा भविष्य निधि उसको मिल जाये । यह भी होता है सस्पेंस एकाउन्ट, अन-क्लेम्ड एकाउन्ट बहुत होते हैं । मैं पूर्वोत्तर रेलवे की बात कहता हूं, वहां 2 करोड और कुछ लाख रुपये का सस्पेंस एकाउन्ट है । क्योंकि कोई इसमें इधर-उधर अगर नुक्स निकल जाता है तो अकाऊंट सस्पेंस हो जाता है और जब तक पूरा नहीं होता है तब तक कर्मचारियों को कुछ भी नहीं मिलता है । अगर इस तरह से अनक्लेम्ड अकाउन्ट बहुत दिन तक चलता रहेगा तो इस तरह से अनक्लेम्ड धन बहुत ज्यादा बढ जायेगा इसलिए डिफाल्टर के संबंध में आपको एक ऐसा सिस्टम निकालना चाहिए जैसे बिजली का बिल हमारा है वह पार्लियामेंट से ही कट जाता है इस तरह का सिस्टम निकाला जाना चाहिए । अगर ऐसी व्यवस्था हम कर दें जैसे उनको बैंको के जरिए आप कर्ज देते हैं या सबसिडी देते हैं या रा मैटीरियल के लिए धन देते हैं अगर किसी इम्पलायर ने प्रोविडेंट फन्ड का अंशदान जमा नहीं किया तो उसकी सबसिडी में से या रा मैटीरियल के पैसे में अंशदान वसूल कर लिया जाए । जिस बैंक में अकाऊंट खोला हुआ है उस बैंक के जरिए कर्मचारियों का अंशदान निकाल दिया जाए तो जो दिक्कतें समय-समय पर आती हैं वह दिक्कतें ज्यादा नहीं

आयेंगी । अंत में, मैं एक बात बोर्ड आफ ट्रस्टीज के बारे में आपसे कहना चाहता हूं । इसमें 6 से 10 सदस्य रहेंगे जहां तक इसके गठन का सवाल है इसमें किस के प्रतिनिधि होगें इसके बारे में मेरी राय यह है कि इसमें जिनके भविष्य की आप चिन्ता कर रहे हैं उन के ज्यादा से ज्यादा प्रतिनिधि होने चाहिएं । कर्मचारियों के ज्यादा से ज्यादा प्रतिनिधि हों मैनेजमेंट के भी आवश्यक हैं, सरकार के भी आवश्यक हैं । इस बोर्ड का जब आप गठन करेंगे तो इस में खास कर के सेंट्रल ट्रेड यूनियन में भी जो ट्रेड यूनियंस हैं उनकी आप इस ढंग से मत देखिये कि वह किस पार्टी से संबंधित है आप इस तरह से देखिये कि जो यूनियन वहां काम कर रही है उनका प्रतिनिधि हो इस बोर्ड आफ ट्रस्टीज में । इस दृष्टि से अगर देखा जाय तो इसमें जो भी खामियां लगती हैं उनको आप दुरुस्त करें इसमें आपको भी सहूलियत होगी और कर्मचारियों को भी दिक्कतें नहीं आयेंगी । इन शब्दों के साथ मैं कुछ अंश का समर्थन करता हूं और कुछ आपके लिए सुझाव देता हूं ।

धन्यवाद ।

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Now, Mr. Yalla Sesi Bhushana Rao. Not here. Yes, Mr. Aladi Aruna.

SHRI ALADI ARUNA, *alias* V. ARUNACHALAM (Tamil Nadu): Mr. Vice-Chairman, Sir, at the outset, I thank the honourable Minister for having brought forward this Bill for the consideration of this House

Sir, the Employees' Provident Funds and Miscellaneous Provisions Act was first passed in 1952 and, thereafter, this Act has been amended as many as eleven times. Now, the honourlabe Minister has placed this Bill here with the necessary amendments. When the Act was passed in 1952, it was applicable to only 20 establishments. Now, Sir, this is applicable to 173 establishments and 1.38 crores of subscribers are benefited by this scheme. In pursuance of the recommendations of the high power Committee set up by the Central Government, the Central Board of Trustees and the Standing Labour Committee, this Bill has been drafted and placed before this House for its consideration. The most important feature of this Bill is that the minimum rate of contribution has been enhanced from six and a quarter per cent to eight and one-third per cent of the basic pay and an enabling provision also has been included to raise the rate of contribution from eight and one-third per cent to ten per cent. Provision has also been made for setting up an independent machinery and for adding one more member to the Tribunal. Suitable provision has also been made for changing simple interest on delayed payment of any amount due under this Act.

Sir, the objectives of this Bill are quite appreciable and laudable and there is no difference of opinion. But the difficulty is at the time of implementation of the Act. Sir, I come from an area of bidi workers. Next to agriculture bidi industry is the most important industry in Tirunelveli district in the four talukas of Palavamkottai, Ambasamudram Tenkasi and Sengottai, and here more than two lakhs of bidi workers are there. The peculiar thing is that these workers are women and that is why they are not able to organise any trade union. When I was studying in college. I tried my best to organise the bidi workers, but I totally failed. So with the help of the Government alone we are able to do anything. The bidi workers are afraid of bidi owners, because if they put any demand. if they raise their voice for an increase in their wage or for any facilities, the bidi owners will close their centres. That is why these people are more particular about their employment rather than increase in wages. Sir, I have to remind this House that they have not received a single pie more than what

[Shri Aladi Aruna *Alias* V. Arunachalam]

was prescribed by them. The pathetic position now that at the State level there was an agreement between the trade union leaders and the Government. The State Government announced a revised, minimum wage. Most of the bidi companies, I would like to bring this to the notice of the Minister through you, Sir, which employ more than 50,000 workers are not implementing the minimum wage policy to the workers. So it is an important problem. Now the State is under President's rule. So it is the direct responsibility of the Minister to see that minimum wages are given to them. Big companies as the Ganesh Bidi Co., the .. *Time bell rings)* and others are not paying the minimum wages to the workers.

Then, as far as the provident fund is concerned, the position is that the workers are regularly paying their contribution but they do not know how much money has been deposited in their accounts. Last year I pleaded with the Minister, Mr. Sangma, to come there. He came and we had a very big conference, in which he clearly explained everything. At that time it was assured that a pass book will be issued to every worker regarding the provident fund account. But this has not so far been implemented. That is why the ladies are not able to borrow from their provident fund, since ladies are involved in the industry. Most of them are young girls. They get married and they settle in other areas. So the entire amount is swallowed by the companies. I know one company swallowed more than Rs. 15 lakhs because 25,000 workers are still working there. So this is a lamentable, deplorable position. That is why I appeal to the hon. Minister to introduce the pass book system without any further delay, otherwise exploitation will be allowed to continue. So I demand from the Minister: one, the policy of minimum wages which have recently been revised by the State Government, should be implemented and two, pass books should be given to all the workers, because it is a special situation. They are all ladies and they are not in a position to place their demands through trade unions. Only the Government alone can protect their interests.

With this appeal, I conclude.

SHRI JAGDISH TYTLER: Sir, I am very grateful to the hon. Members, and I thank you also, for supporting this Bill. I had the same support also in the other House because this is a Bill which has been brought specially to help the workers, and I think that wherever lacunae have been found we have tried to plug them. With this new amendment, we hope that millions of workers all over the country will be benefited.

Sir, the provident fund is essentially a savings scheme. But it is also an important social security measure. Sir, this provident fund is a security which is meant for people in old age and for their families and children when they are deceased. It is our moral duty to see that we protect the money of the workers, for their benefit when they retire and for the benefit of their families and children after their death. Sir, this provident fund is also a very major source of for the Government also. It plays a very major role in all the development which is going on. We have deposited money to the tune of Rs. 15,267 crores with the Central Government and all the investments which have been done are done as per the directive of the Ministry of Finance.

Sir, I would like to inform the House that in 1986-87, the total amount collected was about Rs. 1800 crores, and the number of claims settled was 6.55 lakhs, and the amount paid to the workers was about Rs. 557 crores.

Sir, this Act which was initially applicable to six major industries in

1952 when it was enacted is now applicable to 173 industries and classes of establishments employing 20 or more persons. And by the end of 1987, the scheme covered about 1.70 lakh establishments with about 1.41 crore members. And as of now, the scheme by and large covers almost all establishments employing 20 or more persons. Sir, recently, under the directive of the Prime Minister who is very keen that the workers must get the family pension benefits, the family pension benefits under the Provident Fund Scheme have been recently liberalised, and the revised rates of family pension will range between Rs. 225 to Rs. 750 as against the existing rates of Rs. 140 to Rs. 630. The retirement-cum-withdrawal benefits have also been substantially liberalised. The revised rates of withdrawal will range between Rs. 110 to Rs. 400—for one year membership to Rs. 9000, to Rs. 19,825 for 40 years membership. And these revised rates are effective from 1-4-1988. Sir, the rate of interest on provident fund is also being increased every year. And the rate for the year 1987-88 was 11.5 per cent per annum. For the year 1988-89, we have decided to enhance the rate to 11.8 per cent per annum. Sir, as I have mentioned while introducing the Bill, we have also now proposed to raise the rate of provident fund contribution from 6-1/4 per cent to 8-1/3 per cent and from 8 to 10 per cent of basic pay and D.A. This will benefit the employees. At the same time, it will help mobilise additional resources for the Government.

Sir, we have been having a lot of difficulty in recovering the provident fund and many of the Members in the House also mentioned about it. At present, the recovery is made through the State Revenue Recovery machinery. And we have not found this arrangement very satisfactory. As on 30-9-1987, 28,252 revenue recovery certificates for Rs. 127 crores were pending with the Collectors. In order to expedite the recoveries, we are now providing for stting up an independent recovery machinery on the lines of the recovery machinery of the Income-Tax Department. Sir, the establishments which are at present exempted from the operation of the Provident Fund Scheme have been defaulting in payment of provident fund dues. As on 30-9-1987, the total amount not transferred by the exempted establishments to their respective Board of Trustees was Rs. 102 crores. We cannot recover the dues against them as arrears of land revenue. We are now making a suitable provision for recovery of dues from the exempted establishments as arrears of land revenue. We are also making a provision for levy of demages not exceeding the arrears on the exempted establishments for the belated payments of dues. We are also making various penal provisions applicable to exempted establishments so as to ensure a better compliance.

Sir, I also expect, in the end, that officers of the EPF Organisation make more concerted efforts and exhibit a greater sense of discipline and dedication to ensure that the workers, the members of the Fund get their provident fund promptly from the Organisation and mobilise their energy and resources to recover the arrears due. In this connection, I might also like to mention that the Central Board of Provident Fund has already taken a decision to introduce computer-based accounting system in the EPF organisation in a phased manner and to begin with it is proposed to computerise the accounting work in the regional office in Delhi. For this purpose, 14 data entry machines have already been installed and the regular data entry work on the machines is in progress.

Sir, some of the hon. Members had raised some points which I would like to clarify here itself. So, we have already increased the strength of the

[Shri Jagdish Tytler]

Unions on the representation of the Board and this is on the verification of the strength which is as must be there. And after this we expect that the recovery would also improve. For getting examined, because Mr. Ray had also mentioned, it is essential that both the employers and employees have to ask for it and then we get it. And also the surplus staff will be utilised in the Provident Funds organisation, for example, in the setting up of an independent recovery machine. Strong disincentives have been made to discourage future defaulters and the penal provisions include strict punishment as also imprisonment. Now, no doubt when you look at Rs. 185 crores as the arrears, it looks a very big amount but if you look at the totality of money we receive, it comes to one per cent. But I can assure the Members that even this 1 per cent of Rs. 185 crores, poor workers' money, this money we will do everything possible to get him this money as early as possible. I would also like to inform you that we are also streamlining to see that the arrears of the people when they retire they should get that money as quickly as possible, because it is not you who are complaining, but we have also been receiving complaints. When we look at the figures, it should not be with any dismay, because we had given instructions that as soon as a person retires, within 20 days his dues should be cleared.

And I would like to inform you that 51.46 per cent of the payable claims were paid within 20 days in 1986-87, and 76 per cent of the total claims were settled in 1986-87. Then 16.6 per cent of the total claims were returned in 1986-87 and only 8 per cent of the total claims remained pending after 1986-87 and this was because somebody had died, some legal questions came in, stay orders came in, another wife came in or the children put in their claims, all sorts of things were there. If you look at it, maybe somebody here or somebody there may have been harassed, but if you look at the totality of the picture, the work that the provident officers have done, is a good job and I think we must commend it. But I think I had mentioned it that it is not enough. Because if we can see that when a worker retires he gets his provident fund cheque on the same day, I think we would have done some service to him. And I believe that once this computerisation process is complete, we will be able to aim at that and I hope that in future we will be able to fulfil that ambition which we have. I remember, Sir, when I was talking to the Prime Minister this was one of his aims when he was the Defence Minister. This is one of the things that they did, computerisation of the accounts and they were able to give the provident fund cheque on the day the soldier retired and this is my aim and we hope that in future we will be able to do this. (*Interruptions*).

Sir, I would like to inform you that the bidi workers, which you had mentioned, more than one lakh bidi workers in Tamil Nadu, including those in Tiruchirapalli have been covered under this Act. We will try to bring as many more as possible and I will consider that whatever promises my former colleague had given they are fulfilled as quickly as possible.

With that, Sir, I thank all the Members.

SHRI SUNIL BASU RAY: I would like to know whether the workers of sick and closed industries, without going through the formalities, will get their benefits at an early stage because they strave, because they die. But they do not get benefit of provident fund even after the factory is closed. I hope this aspect will be seriously considered and some measures must be evolved.

SHRI JAGDISH TYTLER: We will surely consider it sympathetically, and with the stringent punishment, we hope the owners will come out with money which they are misusing.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Hon. Minister has not stated anything about implementation of minimum wages for the beedi workers.

SHRI JAGDISH TYTLER: That is a State subject.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Now it is under your control. It is the President's rule and so, that is under your direct control.

SHRI JAGDISH TYTLER: I would like to inform the hon. Member that this Government is committed to the working class and we....

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: This is ambiguous way of answering. I want a direct answer whether you are going to implement it in Tamil Nadu or not.

SHRI JAGDISH TYTLER: You did not let me complete my sentence; you don't know what I am going to say. I said that this Government is committed for the workers and we will see that whatever you have asked, will be referred to the Governor to see that it is implemented.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): The question is:

"That the Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the Indian Penal Code, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 27 were added to the Bill.

Clause 1, the Enacting Formula, and the Title were added to the Bill.

SHRI JAGDISH TYTLER: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

RESOLUTION ON ROAD DEVELOPMENT

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): I beg to move the following Resolution:

"In supersession of the Resolution on Road Development adopted by the Parliament (Rajya Sabha on the 1st April, 1976 and Lok Sabha on the 18th June 1977), this House hereby resolves that:

1. There shall continue to be set apart an amount not less than 5 per cent of the basic price out of the duty of customs and of excise levied on motor spirit and diesel and the proceeds thereof shall be applied for the purposes of development and maintenance or roads.

2. (i) The proceeds of such an amount so set apart in any financial year, reduced by duty attributable to taxed motor spirit and diesel used in aviation during the same period, shall be credited as a block grant to a separate Road Fund to be maintained in the Public Account of India.

(ii) For the purpose of this Resolution taxed motor spirit and diesel shall mean motor spirit and diesel upon which the duty of customs or excise duty have been paid and in respect of which no rebate of such duty shall have been given.